



Pipeline Damage Prevention
Wallace Jones
Gas Pipeline Safety Director





PHMSA-2009-0192

FINAL RULE DATED JULY 23, 2015

PIPELINE DAMAGE

PREVENTION

PROGRAMS

EFFECTIVE DATE: JANUARY 1, 2016

49 CFR 196

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

PIPELINE INCIDENTS CAUSED BY EXCAVATION DAMAGE:

Leading cause of natural gas and hazardous liquid
pipeline failure incidents

1988 to 2012:

188 Fatalities

723 Injuries

1678 Incidents

\$474,759,544 in estimated property damage

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

Integrity Management for Gas Distribution, Report of Phase I Investigations (DIMP Report) Issued December 2005

Four conclusions:

- 1) excavation damage posed the greatest threat to distribution system safety, reliability and integrity
- 2) states with comprehensive damage prevention programs that include effective enforcement have a lower probability of excavation damage

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

Integrity Management for Gas Distribution, Report of Phase I Investigations (DIMP Report) Issued December 2005

Four conclusions (cont.):

- 3) a comprehensive damage prevention program requires nine elements to be present and functional for the program to be effective
 - a) enhanced communication between operators and excavators
 - b) fostering support and partnership of all stakeholders in all phases (enforcement, system improvement, etc. of the program)

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

Integrity Management for Gas Distribution, Report of Phase I Investigations (DIMP Report) Issued December 2005

Four conclusions (cont.):

- c) operator's use of performance measures for persons performing locating of pipelines and pipeline construction
- d) partnership in employee training
- e) partnership in public education
- f) enforcement agencies' role as partner and facilitator to help resolve issues

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

Integrity Management for Gas Distribution, Report of
Phase I Investigations (DIMP Report) Issued December
2005

Four conclusions (cont.):

- g) fair and consistent enforcement of the law
- h) use of technology to improve all parts of the process
- i) analysis of data to continually evaluate/improve program effectiveness

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

Integrity Management for Gas Distribution, Report of Phase I Investigations (DIMP Report) Issued December 2005

Four conclusions (cont.):

- 4) federal action is needed to support the development and implementation of damage prevention programs that includes effective enforcement as a part of the State's pipeline safety program

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

Other reports have indicated dramatic decreases in excavation-related damages when enforcement is present

Two-thirds of pipeline excavation damage is caused by third parties

More than 50% of the time the One-Call systems were not notified prior to the excavation damage

States are the primary enforcers of pipeline damage prevention requirements

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

No single, comprehensive national damage prevention law

Variances in State laws include excavation notice requirements, damage reporting requirements, exemptions from the requirements of the laws for excavators and/or utility operators, provisions for enforcement of the laws and many others. **No two states are just alike in their laws.**

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 - Section 2

Provides that the Secretary of Transportation may take civil enforcement action against excavators who:

1. Fail to use the one-call notification system in a State
2. Disregard location information or markings established by a pipeline facility operator
3. Fail to report excavation damage to a pipeline facility promptly or failure to call the 911 emergency number

PIPELINE DAMAGE PREVENTION PROGRAM

BACKGROUND:

The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 - Section 2

Provides that the Secretary of Transportation may take civil enforcement action against excavators, but only after determination that the State's enforcement of its damage prevention laws is inadequate to protect safety.

Friday, August 5, 2016 - Meeting with PHMSA and Alabama stakeholders to determine adequacy of Alabama's law

PIPELINE DAMAGE PREVENTION PROGRAM

Criteria Used to Determine State's Adequacy:

- 1) Does the State have the authority to enforce its State excavation damage prevention law using civil penalties and other sanctions?
- 2) Has the State designated a State agency or other body as the authority responsible for enforcement?
- 3) Is the State assessing civil penalties and other sanctions for violations at levels sufficient to deter noncompliance, and is the State making this information available to the public?

PIPELINE DAMAGE PREVENTION PROGRAM

Criteria Used to Determine State's Adequacy:

- 4) Does the enforcement authority have a reliable mechanism for learning about damages to underground facilities?
- 5) Does the State employ excavation damage investigation practices that are adequate to determine the responsible party or parties?

PIPELINE DAMAGE PREVENTION PROGRAM

Criteria Used to Determine State's Adequacy:

c) an excavator who causes damage to a pipeline facility:

i) must report the damage to the operator at the earliest practical moment

ii) if the damage results in the escape of any PHMSA regulated natural and other gas or hazardous liquid, must promptly report to other authorities by calling the 911 emergency number

PIPELINE DAMAGE PREVENTION PROGRAM

Criteria Used to Determine State's Adequacy:

- 6) At a minimum, do the State's excavation damage prevention requirements include the following:
 - a) excavators may not engage in excavation activity without first using an available one-call notification system
 - b) excavators may not engage in excavation activity in disregard of the marked location

PIPELINE DAMAGE PREVENTION PROGRAM

Criteria Used to Determine State's Adequacy:

7) Does the State limit exemptions for excavators from its excavation damage prevention law?

RESULTS FOR ALABAMA - INADEQUATE

PIPELINE DAMAGE PREVENTION PROGRAM

Some additional take-aways from the meeting with PHMSA:

PHMSA does NOT want to come into the State

It will have to be a major damage

They will make a statement with their fine structure

They would much rather have the State do the enforcement

PIPELINE DAMAGE PREVENTION PROGRAM

Next Steps?

Get enforcement added to the Alabama Damage Prevention Law

HOW?

Contact your legislator

Join or get involved in:

“One-Call System Study Commission”

Alabama Damage Prevention Alliance

QUESTIONS ???



COMMENTS???

